

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EDWARD JONES, et al.,)
)
 Plaintiffs,) No. CV 03-1142 R
)
 vs.)
)
CITY OF LOS ANGELES, et al.,)
)
 Defendants.)

TRANSCRIPT OF PROCEEDINGS

THE HONORABLE MANUEL L. REAL, U.S. DISTRICT JUDGE PRESIDING
LOS ANGELES, CALIFORNIA

DECEMBER 8, 2008

MOTION HEARING

BRIDGET R. MONTERO CSR 10020, CRR
United States Courthouse
312 North Spring Street, Room 435
Los Angeles, California 90012
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bridgetmontero@yahoo.com
Internal File No. 08113, #6

1 APPEARANCES OF COUNSEL:

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3 For the Plaintiffs:

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9 For the Defendants:

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11 Office of the City Attorney
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1 MONDAY, DECEMBER 8, 2008; 10:47 A.M.

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4 THE CLERK: Item No. 6, CV 03-1142, Edward Jones,
5 et al. v. City of Los Angeles, et al.

6 Counsel, your appearances, please.

7 MS. SOBEL: Good morning, Your Honor. Carol Sobel
8 on behalf of the plaintiffs.

9 MS. KADES: Good morning, Your Honor. Kelly Kades
10 and Cory Brente on behalf of defendants.

11 THE COURT: Counsel have anything to add to the
12 documents which have now been filed?

13 MS. SOBEL: No, Your Honor, not on behalf of
14 plaintiffs.

15 MS. KADES: Yes, Your Honor. I just have some
16 brief arguments that I wanted to make.

17 First, with regard to the timeliness of this
18 motion, plaintiffs waited for about a year before they
19 brought this motion after the case was transferred back to
20 the district court from the Ninth Circuit, and we believe
21 that should be considered in the Court's granting or denying
22 the motion.

23 Second, all of plaintiffs' arguments regarding
24 their entitlement to fees under state law should be stricken
25 as all of plaintiffs' state law claims were abandoned and

1 never pursued in the district court level or on appeal.

2 And, finally, plaintiffs under federal law are not
3 the prevailing party in this case. They claim that they
4 were the victors here, but there was never a victory
5 obtained as defendants won summary judgment in the district
6 court on appeal. Plaintiffs' injunctive relief from the
7 Ninth Circuit was dissolved and undone when the defendants
8 filed a petition for rehearing en banc in the Ninth Circuit,
9 and before determination was made by the Ninth Circuit the
10 case settled.

11 The settlement agreement consequently vacated any
12 findings made by the Ninth Circuit, required plaintiffs to
13 move to dismiss in the district court, which they never did,
14 and put the parties back into their initial positions.

15 Therefore their arguments that they had obtained a
16 victory in this case should be disregarded in the court as
17 they're not the prevailing party, and for those reasons we
18 believe their motion should be denied in its entirety.

19 THE COURT: How long after the appeal did they
20 file the attorneys' fees claim?

21 MS. KADES: They filed it -- I believe it was a
22 year.

23 THE COURT: After the appellate court?

24 MS. KADES: After the appellate court transferred
25 the case back to the district court, yes.

1 THE COURT: And judgment entered in the district
2 court. How long after that did they file the attorneys'
3 fees?

4 MS. KADES: I'm not particularly sure about that,
5 Your Honor. I would have to look at the papers.

6 THE COURT: All right.

7 MS. SOBEL: Your Honor, I think I can answer the
8 Court's question. The judgment never entered in the
9 district court because the presiding officer had -- was
10 deceased and died almost immediately after the settlement
11 agreement was reached, with the Ninth Circuit's approval, so
12 we had to move to reopen the case and to transfer it.

13 But the defendants have made all these arguments
14 in their papers and --

15 THE COURT: Judgment was then entered here?

16 MS. SOBEL: Pardon?

17 THE COURT: Judgment was then entered here?

18 MS. SOBEL: By Your Honor.

19 THE COURT: After the matter was transferred here,
20 yes.

21 MS. SOBEL: Yes, Your Honor.

22 And at that time we -- the Court also -- we moved
23 to reopen and to set the matter for attorneys' fees, and the
24 Court did that immediately.

25 THE COURT: All right. Okay.

1 All right. And how much of the claim of
2 attorneys' fees are state law claims?

3 MS. SOBEL: The state law claim and the federal
4 claim in this case were identical, Your Honor. They are --
5 there is an analogous state constitutional claim. There was
6 no difference between the two.

7 THE COURT: All right. The attorneys' fees as
8 prayed, each are granted and -- but there be no additive.

9 MS. SOBEL: Your Honor, I have the number for the
10 Court.

11 THE COURT: Okay. What's the number?

12 MS. SOBEL: With the added time we saw on the
13 reply, the number is \$697,413, and there's \$7,046 in costs.

14 THE COURT: Seven thousand --

15 MS. SOBEL: -- forty-six.

16 THE COURT: All right. With that, the order is
17 signed.

18 MS. SOBEL: Thank you, Your Honor.

19 THE COURT: All right.

20 MS. KADES: Thank you, Your Honor.

21 THE COURT: We'll be in recess.

22 Good job, Ms. Sobel.

23 MS. SOBEL: Thank you, Your Honor.

24 (Proceedings concluded at 10:54 a.m.)

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1 C E R T I F I C A T E

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3 I hereby certify that the foregoing is a true and

4 correct transcript from the stenographic record of the

5 proceedings in the foregoing matter.

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Bridget R. Montero
Official Court Reporter
CSR No. 10020

Date: December 31, 2009

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